UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,392	10/20/2003	William C. Dodge	81070/7400	3760

			EXAMINER
22242	7590	05/01/2006	HUTTON JR, WILLIAM D

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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,12 and 15-17* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,12 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Applicant's Response

In Applicant's Response dated 03/20/2006, Applicant amended the Specification, amended Claims 1 and 12, added new Claim 18, cancelled Claims 2, 13 and 14, and argued against all objections and rejections previously set forth in the Office Action dated 01/18/2006.

In Applicant's Response dated 03/20/2006, Applicant submitted a Request for Continued Examination, amended Claims 1 and 12, added new Claim 18, cancelled Claim 18, and argued against all rejections previously set forth in the Office Action dated 01/18/2006.

In light of the amendments, the objections to the Specification and the Drawings are withdrawn. In light of the cancellation of Claims 1, 13, 14 and 18, the rejections for those claims are withdrawn.

Claim Objections

Claim 12 is objected to because of the following informalities:

- The term "is" should be inserted between the terms "*that*" and "*part*" in Lines 10, 11 and 12 (3 occurrences) so that the limitation is grammatically correct.

- The phrase "*wherein a shape of the task*" in Line 11 should be amended to — wherein a shape of the task_s_ — because a "plurality of tasks" is previously identified in the claim (see Line 4).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 12 and 15-17 remain rejected under 35 U.S.C. 102(b) as being

anticipated by Marmel, Elaine, **Microsoft Project 2000 Bible** (IDG Books Worldwide,

Inc., © 2000).

Claim 1:

Marmel discloses *a computerized method of creating a program management*

chart (see Chapter 17 – "***Coordinating Multiple Projects***" on pages 457-480 →

Marmel discloses this limitation, as clearly indicated in the cited pages), *comprising the*

steps of:

- *displaying a plurality of tasks within a selected set of data as a first part of the*

   program management chart (**EXAMINER'S INTERPRETATION** – In terms of the

   present invention, the examiner is interpreting this limitation to be elements 802

   and 804 displayed in Figure 8 of the drawings. These specific elements are

   discussed in the Specification from Page 12, Line 27 through Page 13, Line 2.

   This *type* of element is discussed in the Specification on Page 11, Lines 15-17.

In **Marmel**, see Chapter 17 – "*Coordinating Multiple Projects*" on pages 457-480

→ Marmel discloses this limitation in that MS Project allows a user to consolidate

projects/subprojects by inserting multiple project/subproject files into one large

consolidated project file, thus saving the various parts of the consolidated file into

separate files. The organizational structure of the consolidated project file is

saved, so that the hierarchy of the various parts can be displayed in conjunction

with corresponding project views. MS Project displays views of user-selected

subprojects within the larger projects. These views comprise tasks within those

user-selected subprojects.);

- *displaying a task that is outside of the selected set of data but that is associated*

  with at least one of the plurality of tasks within the selected set of data as a

  second part of the program management chart (**EXAMINER'S**

  INTERPRETATION – The examiner is interpreting this limitation to be elements

  806 and 809 displayed in Figure 8 of the drawings. These specific elements are

  discussed in the Specification from Page 12, Line 27 through Page 13, Line 2.

  This *type* of element is discussed in the Specification from Page 11, Line 18

  through Page 12, Line 4. In **Marmel**, see Chapter 17 – "*Coordinating Multiple*

  Projects" on pages 457-480 → Marmel discloses this limitation in that MS Project

  allows the user to link tasks that are in different subprojects of the larger projects.

  Within a larger project, often there are tasks in one part of the project that are

  dependent upon tasks in another part of the project (e.g., "external" tasks). MS

Project displays views of user-selected subprojects within a larger project. These

views comprise external tasks within those user-selected subprojects.); and

- *differentiating within the program management chart between the plurality of*

    tasks within the selected set of data and the task that is outside of the selected

    data (In **Marmel**, see Chapter 6 – "*Understanding the Basics of Views*" on pages

    133-135 and 145-147; see Chapter 8 – "*Modifying the Appearance of Your*

    Project" on pages 215 and 234-239 → Marmel discloses this limitation in that MS

    Project allows the user to set and modify the formats of the nodes in network

    diagrams. That is, the user can format the size, shape, color and line style of the

    boxes comprising the nodes. Additionally, the user can set and modify the

    formats of particular categories of node boxes. Such categories include internal

    and external tasks.),

wherein a shape of the task that is outside of the selected set of data is used to

differentiate the task that is outside of the selected set of data from the plurality of tasks

within the selected set of data (as indicated in the above discussion, Marmel discloses

this limitation).

Claim 3:

Marmel discloses *the method of Claim 1, wherein the task that is outside of the*

selected set of data is outside of a project that contains the selected set of data (as

indicated in the above rejection for Claim 1, Marmel discloses this limitation).

Claim 12:

Marmel discloses *a computerized method of creating a program management*

chart (as indicated in the above rejection for Claim 1, Marmel discloses this limitation),

comprising the steps of:

- *accessing a subset of data within a project* (**EXAMINER'S INTERPRETATION** –

  The examiner is interpreting this limitation to correspond to the first element

  recited in Claim 1 in that, in order to display tasks on a computer, the data for

  those tasks are accessed. Thus, the discussion of the examiner's interpretation

  of the first element recited in Claim 1 also applies here. In **Marmel** → as

  indicated in the above rejection for Claim 1, Marmel discloses this limitation);

- *displaying in the program management chart a plurality of tasks that are part of*

  the project and associated with the subset of data (**EXAMINER'S**

  INTERPRETATION – The examiner is interpreting this limitation to correspond to

  the first element recited in Claim 1. Thus, the discussion of the examiner's

  interpretation of that element also applies here. In **Marmel** → as indicated in the

  above rejection for Claim 1, Marmel discloses this limitation.); *and*

- *displaying a task that is part of the project and is outside of the subset of data in*

  the program management chart at the same time as the plurality of tasks that are

  part of the project and associated with the subset of data (**EXAMINER'S**

  INTERPRETATION – The examiner is interpreting this limitation to correspond to

  the second element recited in Claim 1. Thus, the discussion of the examiner's

interpretation of that element also applies here. In **Marmel** → as indicated in the

above rejection for Claim 1, Marmel discloses this limitation)*; and*

* *differentiating between the plurality of tasks that are part of the project and*

  associated with the subset of data and the task that is part of the project and is

  outside of the subset of data (as indicated in the above rejection for Claim 1,

  Marmel discloses this limitation),

wherein a shape of the task that is part of the project and is outside of the selected set

of data is used to differentiate the task that is part of the project and is outside of the

selected set of data from the plurality of tasks that are part of the project and associated

with the subset of data (as indicated in the above discussion, Marmel discloses this

limitation).

Claim 15:

Marmel discloses *the method of Claim 12, further comprising the step of*

accessing a header relating to the task that is outside of the subset of data

(**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to

mean accessing any data that **allows a representation of an external task to be**

displayed in a project view for the user-selected data **without having all of the data in**

the external task open. This interpretation corresponds to the discussion of "header

data" described in the Specification from Page 10, Line 31 through Page 11, Line 7. In

Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project

displays external tasks in the views for the selected hierarchical portions of the

consolidated project file. At this point, *all* of the data in the external tasks are **not** open.
The user can access all of the data in the external tasks by double clicking on the
external tasks in the views.).

Claims 16 and 17:

Marmel discloses *the methods of Claims 1 and 12, further comprising accessing*
header data associated with at least one of the plurality of tasks within the selected set
of data in order to display the task that is outside of the selected subset of data
(**EXAMINER'S INTERPRETATION** – The examiner is interpreting this limitation to
mean accessing any data that **allows a representation of an external task to be**
displayed in a project view for the selected data **without having all of the data in the**
external task open. This interpretation corresponds to the discussion of "header data"
described in the Specification from Page 10, Line 31 through Page 11, Line 7. In
Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project
displays external tasks in the views for the selected hierarchical portions of the
consolidated project file. At this point, *all* of the data in the external tasks are **not** open.
The user can access all of the data in the external tasks by double clicking on the
external tasks in the views.).

Response to Arguments

Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

Rejections Under 35 U.S.C. § 102:

Applicant argues that Marmel fails to disclose *"wherein a shape of the task that is outside of the selected set of data is used to differentiate the task that is outside of the selected set of data from the plurality of tasks within the selected set of data"* as recited in Claim 1 and similarly recited in Claim 12, because Marmel requires the user to take further action with a mouse or look to a menu structure and then attempt to locate the task within the program arrangement chart that is associated with a differently colored menu entry. See *Response* – Page 5, last paragraph through Page 6, first partial paragraph.

The examiner disagrees.

As indicated in the above rejections, Marmel discloses that MS Project allows a user to view a subproject of a larger project wherein the view of the subproject comprises **external** tasks. MS Project also allows the user to set and modify the formats of nodes in network diagrams, wherein the nodes represent internal and external tasks. The user can set and modify the formats of particular categories of node boxes displayed in the network diagrams, and such categories include internal and external tasks. Thus, the nodes representing internal and external tasks may be displayed as having different shapes.

Accordingly, Marmel discloses every limitation of Claims 1 and 12.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the

entry of the submission under 37 CFR 1.114 and could have been finally rejected on the

grounds and art of record in the next Office action if they had been entered in the

application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE**

FINAL even though it is a first action after the filing of a request for continued

examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
April 27, 2006

DOUG HUTTON
PRIMARY EXAMINER
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